

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

| | | |
|---------------------------------|---|------------------|
| In the Matter of the Protest of |) | |
| |) | DOCKET NO. 19268 |
| [REDACTED], |) | |
| |) | DECISION |
| Petitioner. |) | |
| _____ |) | |

On November 8, 2005, the Tax Discovery Bureau (TDB) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NOD) to [Redacted] (petitioner) proposing income tax, penalty, and interest for the years 1999, 2000, 2001, 2002, and 2003 in the total amount of \$13,958.

On January 10, 2006, a timely protest and petition for redetermination was filed by the petitioner and her husband. An informal hearing has not been requested by the petitioner. The Commission has reviewed the file, is advised of its contents, and hereby issues its decision affirming the NOD.

The petitioner and her husband failed to file their 1999, 2000, 2001, 2002, and 2003 individual income tax returns. On August 22, 2005, the TDB sent a letter with a questionnaire to the petitioner and her husband to help the Commission properly determine the petitioner's filing requirement. Neither the petitioner nor her husband responded to this letter, so [Redacted]. The Commission issued a NOD to the petitioner on November 8, 2005, [Redacted].

In the protest letter submitted by the petitioner and her husband, the petitioner stated that several itemized deductions they are able to take were not listed in the determination. The petitioner also desired to complete and submit within 60 days the tax returns for the listed years to show an accurate accounting of the income and deductions of the petitioner and her husband.

On December 1, 2006, the Tax Policy Specialist (policy specialist) sent the petitioner a letter

to inform her of the alternatives for redetermining a protested NOD. A follow-up letter was sent to the petitioner on January 19, 2006. The petitioner did not respond to either letter.

It is well settled in Idaho that a NOD issued by the Idaho State Tax Commission is presumed to be correct. Albertson's Inc. v. State, Dept. of Revenue, 106 Idaho 810, 814 (1984); Parsons v. Idaho State Tax Commission, 110 Idaho 572, 574-575 n.2 (Ct. App. 1986). The burden is on the petitioner to show that the tax deficiency is erroneous. Id. Since the petitioner has failed to meet the burden in this case, the Tax Commission finds that the amount shown due on the Notice of Deficiency Determination is true and correct.

[Redacted] The petitioner has not provided the Commission with a contrary result to the determination of her income [Redacted]. Therefore, the Commission must uphold the deficiency.

WHEREFORE, the Notice of Deficiency Determination dated November 8, 2005, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the petitioner pay the following tax, penalty, and interest:

| <u>YEAR</u> | <u>TAX</u> | <u>PENALTY</u> | <u>INTEREST</u> | <u>TOTAL</u> |
|-------------|------------|----------------|-----------------|-----------------|
| 1999 | \$2,790 | \$698 | \$1,358 | \$4,846 |
| 2000 | 1,341 | 335 | 545 | 2,221 |
| 2001 | 1,841 | 460 | 608 | 2,909 |
| 2002 | 1,621 | 405 | 432 | 2,458 |
| 2003 | 1,729 | 432 | 369 | <u>2,530</u> |
| | | | TOTAL DUE | <u>\$14,964</u> |

Interest is computed through September 19, 2007.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of the petitioner's right to appeal this decision is enclosed with this decision.

DATED this ____ day of _____, 2007.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2007, a copy of the within and foregoing DECISION was served by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]

Receipt No.